To: Curtis Bordenave(cpaulbordenave@yahoo.com)

Subject: U.S. TRADEMARK APPLICATION NO. 87495358 - NIGGA- N/A

Sent: 02/28/2018

Sent As: Myriah.Habeeb@USPTO.GOV

Attachments 86886670

1aWIKT-nigger-nigga-vulgar.jpg

1bWEB-nigger-vulgar.jpg

1cMW-n-word.jpg

1dOX-n-word.jpg

2a68-words-1.jpg

2b68-words2.jpg

2c68-words3.jpg

2d68-words4.jpg

2e68-words5.jpg

3aebony-wont-print1.jpg

3bebony-wont-print2.jpg

3cebony-wont-print3.jpg

4abc-nigger-vulgar1.jpg

4babc-nigger-vulgar2.jpg

4cabc-nigger-vulgar3.jpg

5cbs-can-t-say-on-tv.jpg

6aWAPO-nigger-vulgar-1.jpg

6bWAPO-nigger-vulgar-2.jpg

6cWAPO-nigger-vulgar-3.jpg

6dWAPO-nigger-vulgar-4.jpg

6eWAPO-nigger-vulgar-5.jpg

huck-nigger-vulgar-1.jpg

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Some-Rapper-Titles-His-Latest-Album- Nigger -1- Page 1.jpg

Some-Rapper-Titles-His-Latest-Album- Nigger -1- Page 2.jpg

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 87495358

MARK: NIGGA



CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.isp

CORRESPONDENT ADDRESS:

CURTIS BORDENAVE 3210 JOHN HANCOCK DR COLUMBUS MS 39705 UNITED STATES

APPLICANT:Curtis Bordenave

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

cpaulbordenave@yahoo.com

NON-FINAL OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 02/28/2018

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES

In response to this Office action, applicant must address the following issues:

- 1. Clarification of the Number of Classes for which Registration Is Sought Required Action on the Merits Deferred In-Part; and
- 2. Owner Name and Entity Type Inconsistent Clarification and Amendment Required.

Applicant is advised of the impending suspension of this application relating to a potential Section 2(a) refusal and a potential Section 2(d) refusal. While applicant *must respond to the requirements* detailed below in the Office action to avoid abandonment, applicant is not required to address the suspension issues at this time.

SEARCH RESULTS - POTENTIAL SECTION 2(D) REFUSAL - ONE PENDING APPLICATION

The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d). However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The filing date of pending U.S. Application Serial No. 86886670 precedes applicant's filing date. See Attachment 1 - the referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15

U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq*. Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

While applicant is not required to respond to the issue of the pending application, applicant must respond to the requirements below within six months of the mailing date of this Office action to avoid abandonment.

<u>CLARIFICATION OF THE NUMBER OF CLASSES FOR WHICH REGISTRATION IS SOUGHT</u> REQUIRED – ACTION ON THE MERITS DEFERRED IN-PART

A review of the merits of the application is deferred, in-part—as to the identification of goods and services—until applicant responds to this Office action by satisfying one of the following:

- (1) Specify the number of classes for which registration is sought and provide the <u>filing fees for all</u> such classes.
- (2) <u>Delete all classes</u> from the application <u>not covered</u> by the fee already submitted.

See TMEP §§810.01, 1401.04.

The application was filed online as a Trademark Electronic Application System (TEAS) Reduced Fee (RF) application and therefore the filing fee per class was \$275. See 37 C.F.R. §2.6(a)(1)(i)-(iii); TMEP §810. The application identifies goods and services that could be in **at least fifteen classes**, which requires a total of fees of **at least \$4,125**. Applicant submitted \$275 with the application. The fee submitted was sufficient for only **one class ONLY**. Therefore, pending response to this requirement, action on the merits with respect to the identification of goods and services is **deferred**.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual. See* TMEP §1402.04.

OWNER NAME AND ENTITY TYPE INCONSISTENT - CLARIFICATION AND AMENDMENT REQUIRED

The name of an individual person appears in the section of the application intended for the trademark owner's name with a d/b/a statement; however, the legal entity is set forth as a trust. Applicant must clarify this inconsistency. TMEP §803.03(e); see 37 C.F.R. §§2.32(a)(2), (a)(3)(i)-(ii), 2.61(b).

If applicant is an individual, applicant must request that the legal entity be amended to "individual" and must indicate his or her country of citizenship. See TMEP §803.03(a).

Applicant, Curtis Bordenave, an individual citizen of the United States, doing business as Business Moves Consulting.

Alternatively, if applicant is a trust, applicant must identify the trustee or trustees as the applicant and indicate the name of the trust, if any. TMEP §803.03(e). Additionally, applicant must state under whose laws the trust exists, and list the names and citizenship of the individual trustees. *Id*.

Applicant must amend the application to identify itself using the following format:

"The Trustees of the [applicant to specify name of trust, e.g., ABC Trust], a [applicant to specify state of

organization, e.g., Louisiana Trust], comprising [applicant to list name of each trustee, their legal entity type, if applicable, and national citizenship (for individuals) or foreign country or U.S. state of organization or incorporation (for businesses), as appropriate), e.g., Curtis Bordenave, an individual citizen of the United States].

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused because the application was void as filed. See 37 C.F.R. §2.71(d); TMEP §§803.06, 1201.02(b). An application must be filed by the party who owns or is entitled to use the mark as of the application filing date. See 37 C.F.R. §2.71(d); TMEP §1201.02(b).

SCANDALOUS ADVISORY REFUSAL

Applicant's mark, **NIGGA**, appears to consist of or include matter that may be immoral or scandalous. See Trademark Act Section 2(a), 15 U.S.C. §1052(a); TMEP §1203.01. The words "immoral" and "scandalous" may have somewhat different connotations; however, immoral matter has been included in the same category as scandalous matter. TMEP §1203.01; see In re McGinley, 660 F.2d 481, 484 n.6, 211 USPQ 668, 673 n.6 (C.C.P.A. 1981) (Because of the court's holding that appellant's mark was scandalous, "it [was] unnecessary to consider whether appellant's mark [was] 'immoral.' [The court] note[d] the dearth of reported trademark decisions in which the term 'immoral' [had] been directly applied.").

In this case, applicant seeks registration for the mark **NIGGA** for use in connection with a wide variety of goods and services in several international classes. The term **NIGGA** is a variation of **NIGGER**, meaning "a black person". See attached Wiktionary and Webster's Dictionary definitions indicating that the term is vulgar; see also Merriam-Webster and Oxford dictionary showing the N-WORD is synonymous with NIGGER. In fact, the terms **NIGGER** and **NIGGA** are akin to profanity because standard publications consider the term vulgar and won't print it and people cannot say it on TV, like other vulgar terms. See attached Ebony, ABC, CBS and Washington Post articles about NIGGER and NIGGA being akin to profanity and thus is vulgar; see also additional articles describing NIGGER and NIGGA as vulgar. Based on the attached evidence, a substantial composite of the general public would consider that term to be vulgar. Evidence that a mark is vulgar is sufficient to establish that the mark is scandalous within the meaning of Trademark Act Section 2(a). In re Fox, 702 F.3d 633, 635, 105 USPQ2d 1247, 1248 (Fed. Cir. 2012) (citing In re The Boulevard Entm't, Inc., 334 F.3d 1336, 1340, 67 USPQ2d 1475, 1477 (Fed. Cir. 2003)); see In re Michalko, 110 USPQ2d 1949, 1951 (TTAB 2014); TMEP §1203.01.

Moreover, the TTAB has held that dictionary definitions alone may be sufficient to show that a term is vulgar if multiple dictionaries, including at least one standard dictionary, uniformly indicate that the term's meaning is vulgar, and the applicant's use of the term is clearly limited to that vulgar meaning. See In re The Boulevard Entm't, Inc., 334 F.3d at 1341, 67 USPQ2d at 1478 (holding 1-800-JACK-OFF and JACK-OFF scandalous where all dictionary definitions of "jack-off" were considered vulgar); In re Michalko, 110 USPQ2d at 1953 (holding ASSHOLE REPELLENT scandalous where multiple dictionary definitions of "asshole" were considered vulgar); TMEP §1203.01. In the present case, the attached definitions and supporting evidence indicate that the terms NIGGA is vulgar. Thus, the mark consists entirely of a vulgar term.

Finally, when the evidence demonstrates that a substantial composite of the general public (although not necessarily a majority) would consider the mark to be scandalous in the context of contemporary attitudes and the relevant marketplace, the mark is deemed scandalous within the meaning of Section 2(a). See In re Fox, 702 F.3d at 635, 105 USPQ2d at 1248 (quoting In re Mavety Media Grp. Ltd., 33 F.3d at 1371, 31 USPQ2d at 1925-26); In re The Boulevard Entm't, Inc., 334 F.3d 1336, 1340, 67 USPQ2d 1475, 1477 (Fed. Cir. 2003); TMEP §1203.01. Here, the vulgar and scandalous meaning of NIGGA will be the only perceived connotation of that term when used in connection with the identified goods and services. Based on the evidence attached hereto, the mark would be considered immoral and scandalous by a substantial composite of the general public.

Registration normally would be refused under Section 2(a) because applicant's mark consists of or includes matter that may be immoral or scandalous. However, the constitutionality of the provision of Section 2(a) that bars registration of marks that consist of or comprise immoral or scandalous matter is under review. On

December 15, 2017, the Federal Circuit issued a decision in *In re Brunetti*, holding unconstitutional the provision in Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a), that bars registration of immoral or scandalous marks. Because the panel's decision in *Brunetti* is not yet final and is subject to further judicial review, the constitutionality of this provision remains in question. *See* Fed. R. App. P. 35 (rehearing en banc), Fed. R. App. P. 40 (rehearing), and 28 U.S.C. §1254 (petition for certiorari to the Supreme Court). Therefore, **action on this application will be SUSPENDED** when the application is in condition for final action, and the suspension will remain in place until after all periods for seeking further judicial review have expired and any further review action has been finally decided. *See* 37 C.F.R. §2.67; TMEP §§716-716.02.

Applicant is advised that, should the Federal Circuit determine that the scandalous provision of the Trademark Act is constitutional, then registration may be refused because the applied-for mark consists of or includes matter that may be immoral or scandalous. 15 U.S.C. §1052(a); see TMEP §1203.01.

<u>ADVISORY – TEAS PLUS AND TEAS RF REQUIREMENTS</u>

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

RESPONDING TO THIS OFFICE ACTION

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "Responding to Office Actions" on the USPTO's website.

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. See 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

If the applicant has any questions or needs further assistance, please telephone the assigned examining attorney.

/Myriah Habeeb/ Senior Attorney U.S. Patent and Trademark Office Law Office 113 (571) 272-8909 Myriah.Habeeb@USPTO.GOV

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

Print: Wed Feb 28 2018 86886670

(4) STANDARD CHARACTER MARK

NIGGAWOOD NIGGAWOOD STUDIOS

Mark Punctuated

NIGGAWOOD NIGGAWOOD STUDIOS

Translation

Goods/Services

 IC 041. US 100 101 107.G & S: Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films. FIRST USE: 20160117. FIRST USE IN COMMERCE: 20160117

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

86886670

Filing Date

20160126

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) Neal, Claudius DBA Niggawood Studios INDIVIDUAL UNITED STATES 3763 Floresta Way Los Angeles CALIFORNIA 90043

Priority Date

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STUDIOS" APART FROM THE MARK AS SHOWN

Description of Mark

Type of Mark

SERVICE MARK

Register

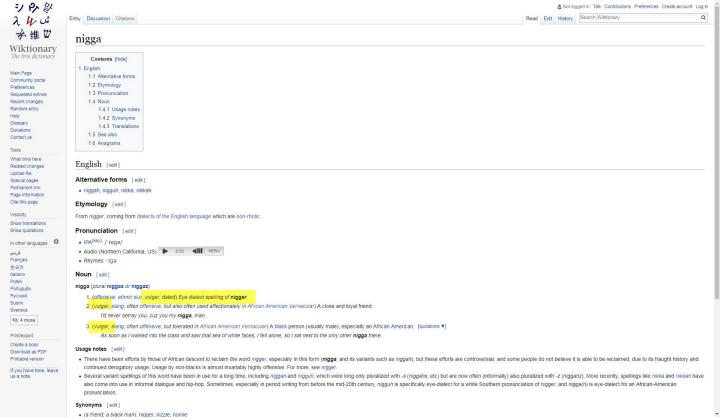
PRINCIPAL

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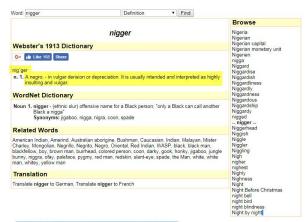
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Attorney of Record

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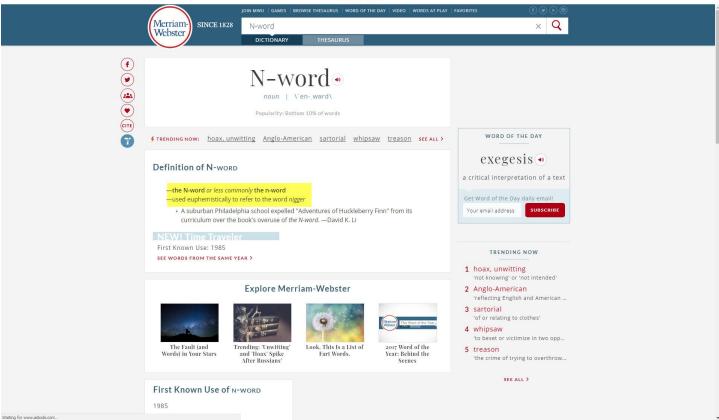
https://en.wiktionary.org/wiki/nigga



Definitions Index: #ABCDEFGHIJKLMNOPQRSTUVWXYZ
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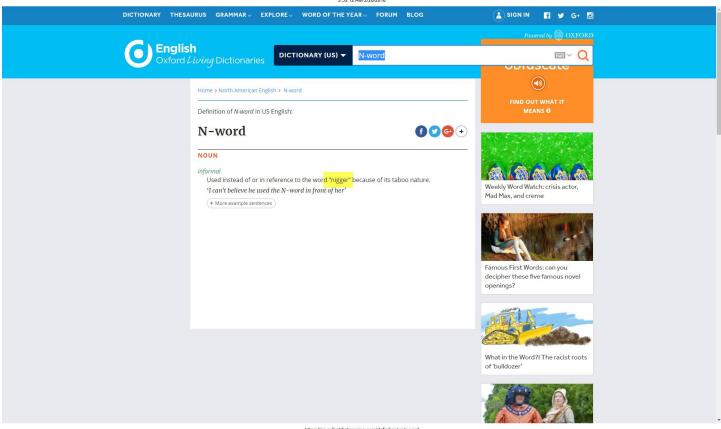
http://www.webster-dictionary.org/definition/nigger

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https://www.merriam-webster.com/dictionary/N-word

9:39:12 AM 2/28/2018



https://en.oxforddictionaries.com/definition/us/n-word



5. Bullshit 6. Bust a nut 7. Camel jockey

9. Chink

11. Circle Jerk

8. Carpet muncher

10. Christ (as an expletive)

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https://www.buzzfeed.com/mjs538/the-68-words-you-cant-say-on-tv?utm_term=.oeJ6JAq49#.wn7LXQIV5

9:14:29 AM 2/28/2018 BUZZFEED News Videos Quizzes Tasty More v 12. Clit 13. Cock Dick's Sporting Goods, A Top Gun Seller, Will Stop Selling Assault-Style Rifles 14. Cock sucker 15. Coon 16. Coochie (as vagina) 17. Cream (in a sexual context) These 15 Random "Yes Or No" Questions Will Reveal What One Word Describes Your Life 18. Cum 19. Cunt 20. Dago We Know If You'll Be Single Forever Based On How You Decorate This 21. Dick (meaning penis) 22. Dirty Sanchez 23. Doggy style Pick Some Makeup And We'll Guess If You're Single Or Not 24. Dyke 25. Fag 26. Faggot

1

https://www.buzzfeed.com/mjs538/the-68-words-you-cant-say-on-tv?utm_term=.oeJ6JAq49#.vm7LXQIV5

27. Fingered (as a sexual act)

28. Fisting (as a sexual act)

9:14:45 AM 2/28/2018

🌘 🙆 LOL 🙌 🔼 BUZZFEED News Videos Quizzes Tasty More v 29. Fuck 30. Fudge packer 31. Goddamn These 15 Random "Yes Or No" Questions Will Reveal What One Word Describes Your Life 32. Gook 33. Hand job 34. Head (as in oral sex) We Know If You'll Be Single Forever Based On How You Decorate This Home 35. Heeb 36. Hershey Highway 37. Jack Off 38. Jerk Off (as an expletive) You're Single Or Not 39. Jesus Christ 40. Jizz 41. Kike 42. Mofo 43. Moist (sexual context) 44. Nigger

1

45. Pillow Biter

9:15:06 AM 2/28/2018

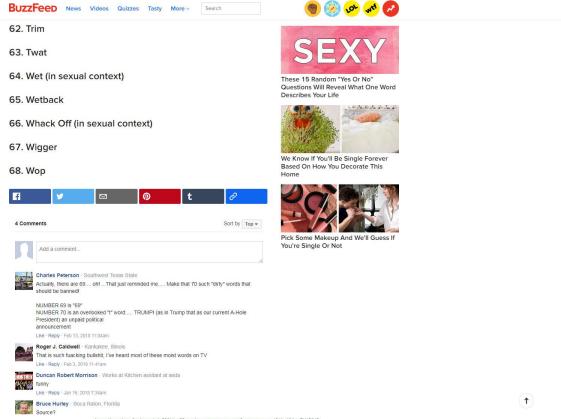
BUZZFEED News Videos Quizzes Tasty More v 🌑 🚱 LOL 🙌 🔼 45. Pillow Biter 46. Pink (as in vagina) 47. Poonani These 15 Random "Yes Or No" Questions Will Reveal What One Word Describes Your Life 48. Poontang 49. Prick 50. Pussy (meaning vagina) We Know If You'll Be Single Forever Based On How You Decorate This Home 51. Reach Around 52. Rim/Rimming (as in sexual act) 53. Shit 54. Sixty Nine (as in sexual act) You're Single Or Not 55. Snatch 56. Spic 57. Skeet 58. Suck (in sexual context) 59. Swallow (in sexual context)

1

60. Taint

61. Tits/Titties

9:15:31 AM 2/28/2018



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http://www.ebony.com/news-views/the-ngger-debate-more-of-the-same-495

 $\textbf{It seems that} \ \text{every few years we have some version of a debate about this word.} \ \text{It is probably the most discussed word in the probably the probably the most discussed word in the probably the most discussed word in the probably the probable the prob$

9:17:02 AM 2/28/2018

It seems that every few years we have some version of a debate about this word. It is probably the most discussed word in contemporary American society. And yet most publications won't even print it.

Nigger.

In recent weeks the word and its cousin, "nigga" have been a hot topic. The National Football League is considering banning it, ESPN did a special considering its meaning, television commentator Roland Martin has written an article calling on folks to stop using the word, and recent Oscar-winning screenwriter John Ridley's 2006 Esquire article reviving some version of the "niggers vs. good Black people" debate has been reissued. It's been a lot.

At the heart of these debates are three dynamics: First, there are those who remind us of how truly awful the word has been in our history, those who recall that the word carries the residue of slavery and Jim Crow segregation, lynching, and disfranchisement. Folks who do not want us to forget that this word is not our friend. Then there are others who argue that a younger generation has reclaimed the word. By dropping the "er" and using an "a," it's changed from a word of hatred into a sign of community. Then finally white people wonder why, if the word is so harmless within the Black community, they can't say it too? Or at least rap along with it in songs. Some hip hop artists say this is okay (I'm thinking here of Kanye West's support of Gwyneth Paltrow's tweet calling Jay Z and Kanye "n1**as in Paris for real"). While others insist that cross-racial use of the word "nigga" isn't acceptable under any circumstances and that somehow the Black community has ownership over the word. And we wonder why white folks would be so excited about the possibility of saying nigger in the first place. This whole debacle makes the first group say, "See, I told you it was just a slur." Wash, rinse, repeat.

Most of us think this is new problem, but we've been here before. Let's recall that when the White author Carl Van Vecten published his 1926 guide to the Harlem Renaissance, Nigger Heaven, it divided Black artists and writers, with some defending his use of the word as fair and the book as important while others were horrified by a betrayal of trust by an outsider who had been invited into Harlem's Black intellectual community. W.E.B. DuBois called the book "a blow to the face" and "an affront to the hospitality of Black folk." Van Vecten was using the term "nigger" the way he had heard it used within Black circles of friends within the community. Sharing the term with the world felt natural to some artists, and like an affront to others. But this moment doesn't just make me think of literary history. It makes me think about my personal history.

I think about my father and my maternal grandfather. My father, born in the 1930s in Philadelphia, and coming of age in the 1950s absolutely hates the word. He vowed that it would never be said in his household or around me as I grew up. It was a specific political choice.

My grandfather, born in the 1910s in Jim Crow Georgia, the son of a sharecropper who came of age during the Depression, heard the word in its most awful context as a boy growing up and as a man migrating north and facing de facto segregation in the carpenter's union. Yet my grandfather liked to use the word in reference to folks he did not like. He seemed to take pleasure in having the word at his disposal. In part because he liked wordplay, he played with the word. Perhaps it was reclamation of sorts.

This difference of philosophies on the word came to a boad one Sunday afternoon. My grandfather used the word in http://www.ebony.com/news-views/the-ngger-debate-more-of-the-same-495

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This difference of philosophies on the word came to a head one Sunday afternoon. My grandfather used the word in front of me. I could see my father's anger crackling just beneath the surface, and my grandfather's sly pleasure, as he looked at my father. It wasn't the first time is heard the word used. It had been hurled at me during arguments with white classmates; it would slip out of their mouths in place of the word "tiger" during "eenie, meenie, miney, mo." However, there was something different about two black men silently debating the word, something so telling about this clash.

When we debate the word now, we generally suppose that there is something new about our discussions, something novel about our current discussions. When we talk of the history of the word, we generally mean the history of the word as racial epithet and slur. And indeed, resistance to the word as the most terrible of slurs is old. It is at least as old as DuBois' rejection of Van Vechten's book. It is as least as old as my father's civil rights era decision never to use the word in his home.

The rejection of the word by my father also hints at the active use of the word in Black life. The word has a history as a playful and judgmental term within the veil of Black communities. My own historical research revealed that some turn of the century Black activists protesting the passage of segregation laws condemned those who were too willing to comply with white supremacy as "niggers." My grandfather called folks that name if he thought they exhibited that "crab in the barrel" mentality. And he also used the word in jest and in play. It is important to remember that the history of the word is as messy as our current debate. In decades past, men and women who heard the word as slur and as a threat of violence in one arena also used it to jab at each other in another. Beginning in the 1990s hip hop culture made the use of the word within Black communities much more public, but it didn't start it.

In our current moment, I do not think there are easy answers to this problem. Some folks think that by setting clear rules they can protect themselves from the sting of the word nigger. Some think the rule should be to never say the word, others argue that you can say the word, but only within the Black community. Others are playing with the pronunciation, saying that the practice of using an "a" rather than an "er" takes the sting away. I'm not sure if language can ever work that way, as if one set of rules or another can ever protect us from the harm that comes when slurs are made common, everyday language. No one will ever own this word. We didn't invent it. It's older than all of us.

I'm not trying to argue to get people to embrace or reject this word—as if an essay could really do that. But let this be a reminder that none of this is as new as we think.

Blair L.M. Kelley is an associate professor of history at North Carolina State University; she is also the author of the award-winning Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy v. Ferguson and the host of a podcast called Historical Blackness on TWIB.FM. Follow her on Twitter: @profblmkelley

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- + The N-Word: The Most Popular Ugly Word Ever



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Children's Book Tackles the N-Word

By OPINION BY ZEKITA TUCKER · Nov. 15, 2006



The African-American experience in the United States has been one filled with both triumph and grief, and essentially a uniqueness unlike any other in the recent history of the world.

driving ambitions toward our greatness.

African-Americans have made exorbitant contributions in both the history of the United States and its present. In spite of numerous obstacles to dissuade or discourage our attempts at equality and attaining our human rights, we have still managed to maintain our

In the face of all of this, many complexities continue to rear the ugliness of our past and contemporary struggles.

One of these is the use of the term "nigga" -- a derivative of the word "nigger." This word was one created out of hatred and disrespect.

Exploring Her Own Identity

We all know the etymology of the word "nigger."

We also know that those who try to justify the use of the word are not using it in the same context as its origins. That is to say, that those who use it are not doing so because they simply mean to refer to a person as black. How do we know this?

The word was used as a derogatory way to impose inferiority upon a race of people. Its use $transformed\ them\ from\ black-skinned\ people\ to\ a\ people\ described\ as\ "a\ negro."\ in\ vulgar$ derision or depreciation (Webster Edition 1913). Now that dictionary describes the word as just "an offensive term used toward black people."

Who I am and what I am, or what I call myself, is a direct reflection of the environment in which I was born, and this very same principle applies to our children even more so than it

It is a reflection of my life as a child, a young adult, as a person, as a mother, or as a father. It all shaped my existence and the role that I am to fulfill while on this Earth. Who am I? In http://abcnews.go.com/WNT/story?id=2653822&&page=1

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But am I also vulgar -- lacking cultivation, perception or taste? No. I am not.

Was I morally crude and undeveloped? No. I am not. Should I then be seen as an object of ridicule or scorn? Was I so invaluable? No. I was not.

After much thought, I decided that neither I nor anyone that I knew was such a thing. Over time the connotations and the spelling of the word have changed, but no matter what anyone proclaims, the meaning has not changed.

Many people use the word and consider it a term of endearment, which is problematic.

We have taken a word so vulgar and turned it into a part of our everyday language. And now it has begun to manifest itself in our culture, in our lives, in our children, and in our

We have called ourselves "nigga" and so many other awful things for so so long that now it seems that we can't escape it.

Everywhere we turn, we hear "nigga this and nigga that."

Teaching Children a Different Word: Tolerance

After having my ears and my intellect overpowered by this word, as its use is extremely pervasive within many African-American communities, I had an idea.

In March, I decided to write a book for children that would not only initiate dialogue surrounding this horrible word, but would also discourage its use.

The title of my book is "Don't Call Me Nigga." It was written for children age 6 and older.

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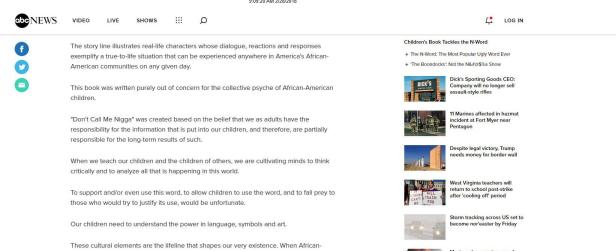


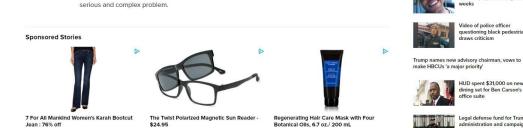
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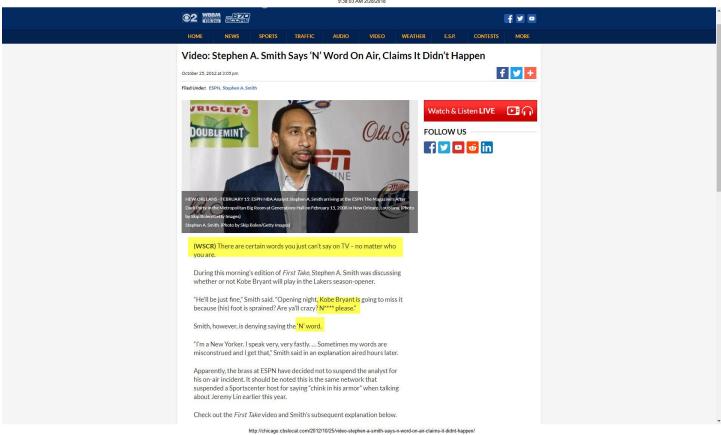
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Opinions

How the n-word became the new f-word



President Barack Obama participates in a podcast with Marc Maron in Los Angeles, Calif., June 19, 2015. (Official White House Photo by Pet Souza) (Pete Souza/The White House)

By Randall Eggert June 26, 201

 $Rand all\ Eggert\ is\ an\ assistant\ professor\ of\ linguistics\ at\ the\ University\ of\ Utah\ and\ the\ author\ of\ "This\ Book\ is\ Taboo:\ An\ Introduction\ to\ Linguistics\ through\ Swearing."$

This past week, President Obama <u>sat down</u> with comedian Marc Maron for an hour-long interview on fatherhood, his legacy, basketball, health care and how being president is like being a comedian. Yet the headlines that followed focused on one line of their discussion in the 47th minute, when Obama told Maron that race relations are "not just a matter of it not being polite to say 'nigger' in public."

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"Obama uses N-word," CNN blared in a typical alert. (Strictly speaking, Obama mentioned the word. He didn't use it.) When a word is highly taboo, society demands that we avoid uttering it, even when we need to discuss it. And because Obama spoke the word on a podcast called "WTF With Marc Maron," the double dose of vulgarity sent some into a panic. "I think many people are wondering if it's only there that he would say it," said "Fox & Friends" host Elisabeth Hasselbeck, "and not, perhaps, in a State of the Union or more public address."

Hasselbeck's concern, while hyperbolic, isn't an unusual reaction to the perceived proliferation of obscenities. It's easy to think our culture is coarsening. On social media and in online comment sections, vulgar interjections seem to be used as casually as verbs. Headlines claim that children are swearing more today than ever before, and we're fascinated by videos of foul-mouthed kids on YouTube, where a search for "child swearing" returns nearly 50,000 results. Even the New York Times liberalized its standards in 2013 to allow for more uses of obscene and offensive terms in its pages.

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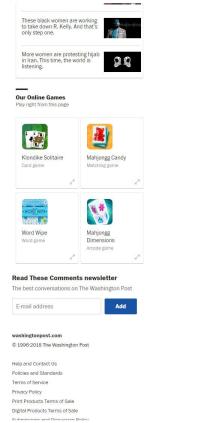
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In response, many of us have been wringing our hands. When the Toronto Star considered eliminating the dashes from taboo words in print, readers called on the newspaper to hold the line against the "daily assault" on proper speech. "While they understand profanity is increasingly part of common parlance," public editor Kathy English wrote, "they still don't want to see it spelled out in the pages of the Toronto Star." (At The Washington Post, it is still unusual to print most of the delicate words in this story.)

But this consternation over mores is misguided. Yes, the four-letter words we once considered the worst of the worst have become more acceptable. But as we've relaxed our most puritanical attitudes toward sex and faith — and the taboo terms that stem from them — other prohibited words have risen to replace them. Racial and sexual slurs such as "faggot," once common, are now more forbidden than ever. The president's utterance notwithstanding, the n-word remains highly offensive, even an incitement to violence, in settings



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where we can drop an f-bomb in discriminately. We haven't normalized swearing; we've just changed our values.

I've seen this dynamic in my classroom. In my linguistics-of-swearing course nine years ago, as we discussed thresholds (the self-imposed limits on which taboo words we'll use and which we won't), I argued that, if we scratch deep enough, almost everyone has words they won't use. A student in the back row raised his hand from deep within a slouch. "I'll say anything to anybody. There aren't any words I won't use." He shrugged. "That's just the kind of guy I am." I was about to move to the next raised hand when he continued: "Except racist words. I don't say things like that. And I don't use 'faggot' because my best friend from high school is gay." The student in the next seat turned to him with a smirk. "Sounds like there's lots of words you won't use."

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It's true that we use some salty words much more liberally than previous generations did — in some cases, more frequently than just a decade ago. "F---" and "s---," for instance, are having a heyday in entertainment media and our everyday language. As with music, each generation's language seeks to shock and challenge its parents' standards of civility.

But as the old limits are pushed, new ones are set. For instance, the 17th-century poetry of John Wilmot, Earl of Rochester shames modern slam poets in its sexual terminology: He rhapsodizes about "the savory scent of salt-swoln c--t" in "A Ramble in St. James's Park." It's certainly an obscene, even offensive, way to refer to female anatomy today. But in Rochester's time, obscenity (sex-related taboo words) was less forbidden than profanity (religion-related taboo words). The offensive words of the era — damn, God's wounds and devilish — seem mundane now because religion isn't as sacrosanct as it once was. Not until the Victorian era did obscenity become more taboo than profanity. Suddenly, Americans avoided saying "leg," and the British referred to breasts as "the upper stomach." Their prudishness led the youth in the 20th century to swear often, making words like "suck," "tits" and the f-bomb the height of offense.

Today, our linguistic sensitivities have transitioned from obscenity to slurs — words deemed racist, sexist or homophobic. That change began with the social movements of the 1960s, when fighting prejudice against racial and sexual minorities became a defining issue of our time. As tolerance for such bigotry has evaporated, so has tolerance for the bigots' language.

The new rules were set and enforced through various official and unofficial channels. The second edition of

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Webster's New World College Dictionary, published in 1970, omitted certain racial and ethnic slurs because, according to its editor in chief, David Guralnik, they were the "true obscenities." Leaders of the Black Power movement called "Negro" a term of white oppression, a convention that gradually spread into the mainstream. Public shaming of politicians, athletes and other high-profile figures who use or mention epithets plays an increasingly important role in driving social conventions. Sen. Harry Reid faced calls for his resignation in 2010 when a book revealed that, during the 2008 presidential race, he said that Barack Obama had "no Negro dialect."

The rapid decline in society's tolerance for slurs is evident in a 1977 survey by researcher Timothy Jay. That year, subjects called "f---" far more taboo than "n----" or "c--t." Today, the order is clearly reversed. Google's Ngram Viewer, which tracks the prevalence of a word over time by how frequently it appears in printed texts, displays a surge in the four-letter words since 1960, surpassing the racial epithet in the 1970s.

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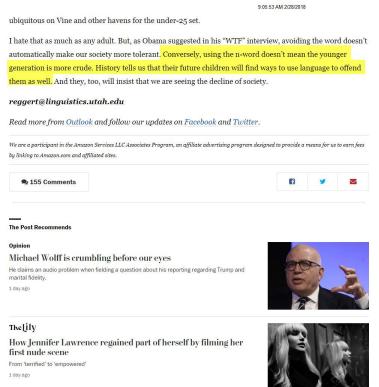
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For the past several semesters, I have asked my students to rank a series of words by how taboo society perceives them to be. Of the 12 terms that have appeared on every survey, the n-word and the c-word have consistently ranked most taboo, followed by other sexual obscenities. These results are roughly in line with those of other recent studies, including a 2007 study of American students that also included "chink" among the greatest outrages. In a large-scale 2000 study in Britain, the n-word showed the greatest increase in severity among all taboo words listed, moving from the 11th position in 1998 to fifth in 2000.

While social values have driven the evolution of swearing, the Internet certainly has had an effect on how quickly the change occurs. Communicating with perceived anonymity, we feel license to use language online before we'd feel comfortable using it face to face. To demonstrate this effect, a colleague, Nate Vooge, recently timed how long he needed to pause before playing a card in an online hearts game to elicit a slur. In less than five seconds, one of his opponents called him a "f---tard."

For now, intolerance — or at least appearing intolerant — remains the highest threshold for swearing. But as routinely happens, younger generations will exploit these language taboos to offend their elders. We see this already with "n-----", in the way young African Americans, and now even some young white Americans, have claimed it to mean "buddy" or a general reference to another person. A word that has caused people to lose their jobs (it all but ended the career of "Seinfeld" star Michael Richards less than a decade ago) is now ubiquitous on Vine and other havens for the under-25 set.



Their school deleted an article on a teacher's firing. So these teens published it themselves.

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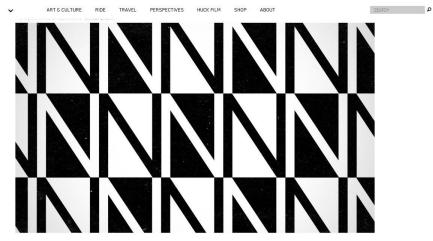
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N.I.G.G.E.R

The Slave & The Master

 $\label{lem:comfortable} \textit{Uncomfortable, isn't it? A brief history of the world's greatest} \\ \textit{taboo.}$

Posted Sunday 16th December, 2012 Text by Tetsuhiko Endo

N igger. There it is in print. Those six letters, arranged in vulgar order and spoken in our minds as we would not dare to speak them from our mouths, have brought us into the etymological valley of the shadow of death. We stand as tourists before this word, neck deep in the darkness of its history, choking on the stench of its legacy, so that we might understand

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SHOP PARTICLES SEARCH P ART & CULTURE RIDE TRAVEL PERSPECTIVES HUCK FILM 🥡 it a bit better, the last great taboo in the English language. Even if it is rarely

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spoken now, it still wields terrible power. f We tread a well-worn path. Many a critical eye has been cast on this word for over a century. Most recently and bombastically, it has become the property of rap artists, who employ it in the most nuanced of ways, like

Nas' untitled album - which he wanted to simply call Nigger. It is difficult to remain un-piqued by such a provocative term, and at times it seems that there are few people in the public sphere who have not added their two cents to the ongoing debate over its use. But that's not where this is going. No, we are going to reach back, behind the word and before the word to examine its history, its complicated connotations, and the libraries of racist discourse upon which it is based.

So let's start with its power. Power, wrote Michel Foucault, our Virgil for this little journey, is "exercised rather than possessed". Although it requires a medium, its existence is metaphysical; it exists everywhere, and pervades everything.

"It is not the 'privilege,' acquired or preserved, of the dominant class, but the overall effect of its strategic positions, an effect that is manifested and sometimes extended by the position of those who are dominated. Furthermore, this power is not exercised simply as an obligation or a prohibition on those who 'do not have it'; it invests them, is transmitted by them and through them; it exerts pressure on them, just as they themselves, in their struggle against it, resist the grip it has on them."

Language is power. It is a manifestation of knowledge, and knowledge cannot be separated from the P-word. That's Foucault again. Scary isn't he? Words can never harm you, they say, but what about the concepts behind them? Nigger, the word, is just six letters derived from Latin for the color black that has only lived as a slur for two hundred years. But Nigger the concept; now, that's a weapon of mass destruction, the shorthand for a field



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RIDE TRAVEL PERSPECTIVES of knowledge that, for over 500 years, across every continent, has dedicated itself to the elevation of the light skinned and the denigration of the dark f skinned. It is the crudest, but in some ways most honest example of what 6 used to be called 'race theory', but what we now might call 'scientific racism'

in what should be a more enlightened, liberal age.

Race is a figment of the modern imagination. In Antiquity, as Nell Irvin Painter tells us in The History of White People, mankind believed in Celts, Saxons, Visigoths, Gauls, Scythians, Circassians and many others, but did not believe in Whites, Blacks, Arabs, Latinos or Asians. It wasn't until the Enlightenment, when the European powers began mixing science and empire, that they 'discovered' the supremacy of light skin and inferiority of dark. This union brought race into the world, constructed it, you might say, like Shelley's monsters, from euro-centric assumptions and theories based on flawed experiments and corrupt hypotheses.

Inequality and oppression needed a rationale and it found it in race. "Innate qualities (related to race) are needed to prove the justice - the naturalness and inalterability – of the status quo," writes Painter. "Again and again, racial hierarchies set the poor and powerless at the bottom and the rich and powerful at the top."

White was deemed beautiful in the Eighteenth Century by Johann Joachim Winckelman, the father of European art history, and a guy with a fetish for the Mediterranean facial features of white marble Roman sculptures. Black, meanwhile, became the natural antithesis of beauty. White was given a scientific name and a historical lineage in 1795 when another Johann (Friedrich Blumenbach) called it 'Caucasian'. Black was denominated 'Negro' (literally: black), unworthy of either history or lineage. White was made superior by the Eighteenth Century anthropologists who collected human skulls and made charts comparing facial angles and features, with African skulls placed on one side, near the monkeys, and European skulls safely on the other

slur?



In His Own Words

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ART & CULTURE RIDE TRAVEL Manichaeism. That's what the scholars call this. White and Black, Good and

Bad, Master and Slave: a relationship that sets one thing as the opposite and f antagonist of the other. 6

The Manichaeism of race was not simply established, it was etched into the \bowtie very framework of history by people who should have known better: Immanuel Kant, Voltaire, Charles Darwin, Francis Galton, Rudyard Kipling, Joseph Conrad, Ralph Waldo Emerson, Henry Morton Stanley... and those are just the names you might recognise. Beneath them lurks a dark legion of learned men with crisp suits and white beards whose studies, measurements, theories, stories, fictions, and human taxonomies created and maintained that perverse archive of knowledge-power[1] which formed the basis for a machine of oppression that was and continues to be one of the widest ranging and most systematic in human history. Millions upon millions of dark-skinned people murdered, enslaved, and tortured to death and all of it done in good conscious, based on solid facts. From the genocide of Aborigines in Australia to South African Apartheid, to the slave ports of Lisbon and Liverpool, The Middle Passage, the mines of Minas Gerais, the Three Fifths compromise – the rationalisation, indeed, the empirical necessity, for all of it is printed neatly inside tome after dusty tome sitting quietly in the archives of the world's libraries: hundreds of

Harry Truman used that word. So did Lyndon B. Johnson. Richard Nixon used it as well as Flannery O'Connor and Ernest Hemingway. It was sung in songs, and included in nursery rhymes, most famously as the thing you were supposed to catch by its toe in 'Eeny Meeny Miney Mo'. Though not considered polite, it remained an 'acceptable' insult among white people till well into the Twentieth Century and became the calling card of Jim Crow in the Southern United States. In fact, it spent much longer as an acceptable insult than it has as a taboo.

thousands of pages that define the Nigger.

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But remember your Foucault; power is ambivalent, and can be co-opted by those who it oppresses. "The power of the N-word comes not only from it's historical usage but from Black folk reclaiming the word and trying to

divest it of its racialised power and reinvest it with Black vernacular power,"

says James Braxton Peterson, the Director of Africana Studies and Associate
Professor of English at Lehigh University. "The premise that you would use
language directed against you and turn it around and use it for yourself is a
very powerful and subversive tool."

Peterson advocates the free use of the word in private conversations among black people, but insists that it needs to be addressed with caution in the public sphere. "The way Black folks use the N-word in our own private speech communities, it is very easily divorced from its negative past. But once it enters the public sphere – once you tell a joke or record it onto a rap record – you can't fool yourself into thinking it doesn't attach itself to its white supremacist history," he says. "The kind of power we are talking about is like nuclear power. It needs to be managed very closely because, when unleashed, it can be very detrimental to the public."

He cites the chorus from the song 'Audubon Ballroom' by the rapper <u>Lupe Fiasco</u>:

Now White people, you can't say nigga sorry gotta take it back now Black people, we're not niggas cuz God made us better than that.'

Note that Fiasco insists both in reclaiming the word in his vernacular while simultaneously claiming that it's not an apt description. It's this ambiguity, writes Randall Kennedy in his book Nigger: The Strange Career of a Troublesome Word, and the willingness to embrace it that makes artists like Fiasco so attractive.

"(Their) attitude (is) effectively expressed by the remark, 'I don't give a

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"(Their) attitude (is) effectively expressed by the remark, 'I don't give a f fuck," he writes. "They don't care whether whites find nigger upsetting.

They don't care whether whites are confused by blacks' use of the term. And they don't care whether whites who hear blacks using the Nword think that African Americans lack self-respect. The black comedians and rappers who use and enjoy nigger care principally, perhaps exclusively, about what they themselves think, desire, and enjoy... They eschew boring conventions, including the one that maintains, despite massive evidence to the contrary, that nigger can only mean one thing."

When you removed the gag that was keeping these black mouths shut, what were you hoping for? That they would sing your praises?' writes Jean Paul Sartre in his essay, Black Orpheus. 'Did you think that when they raised themselves up again, you would read adoration in the eyes of these heads that our fathers had forced to bend down to the very ground? Here are black men standing, looking at us, and I hope that you - like me - will feel the shock of being seen.'

Sartre, of course, wasn't talking about rappers, but the Black, French Colonial poets – men like Aimé Césaire, Léon Gontran Damas, Léopold and Sédar Senghor - who made up the Negritude movement in the 1930s. The black poet, he said, was the only true revolutionary poet of the age, because 'he must oblige those who have vainly tried throughout the centuries to reduce him to the status of a beast, to recognise him as a man... Thus he has his back up against the wall of authenticity: having been insulted and formerly enslaved, he picks up the word 'nigger' which was thrown at him like a stone, he draws himself erect and proudly proclaims himself a black man, face to face with white men.'

Césaire, Senghor and the rest had their own word to reclaim, the French 'negre'. How successful they were is a matter of debate, but Sartre's definition of the person of letters, the Black revolutionary (nearly one and

ART & CULTURE RIDE TRAVEL PERSPECTIVES HUCK FILM SHOP ABOUT

the same), remains with us in modern day rappers, poets, writers, and black artists of every persuasion. He calls them 'Orphic' after the Greek legend of Orpheus who descended into Hades to search for his lover Eurydice. In a

similar way, according to Sartre, black artists must descend into themselves, armed only with the words that oppression has foisted on them in an unending search to re-define blackness: 'Since the oppressor is present in the very language that they speak, they will speak this language in order to destroy it.'

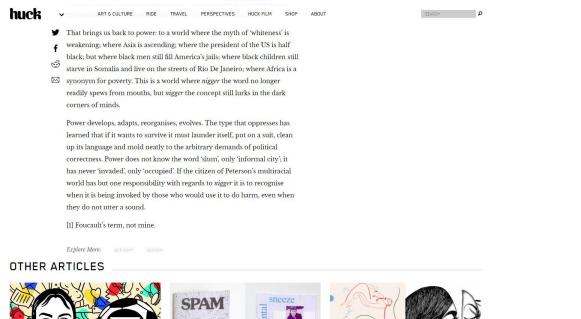
Of course, no one is arguing that <u>Soulja Boy</u> or <u>Waka Flocka Flame</u> are speaking truth to power. Peterson, among others, critiques the casual, sometimes ugly use of the N-word by rap artists or comedians. The important thing, he says, is recognising who is using the N-word in a productive way, and not lumping them in with the rest. "When Nas wanted to release an album with the N-word as the title, he was censored by people in the black community. People also complained about Randall Kennedy's book that used the same title. The fundamental problem with censorship is that by the time it catches up with what is happening it ends up censoring those texts and those people that actually provide us with the complex critiques (of the N-word) we need."

Kennedy's book doesn't address his personal feelings on non-blacks using the N-word but Peterson says he would prefer them to avoid it out of a certain respect for history and for the ongoing struggle of the black community in dealing with it. "It was used so systematically, so overtly for so long throughout history, it's important to understand how, when black folks use it, they were and still are engaged in very complex socio-linguistic process of reclamation," he says. "And I don't see an end-game for this process. I don't see a 'post-race' America happening in our lifetime, nor do I think that should be the goal. I think the goal is an equitable celebration of various cultures: cultural competency. We are not going to be living in a colour-blind, post-race world; it's going to be a multiracial world."

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Some Rapper Titles His Latest Album "Nigger"

Say Anything

October 20, 2007 Saturday 7:09 AM EST

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Length: 344 words

Body

Oct. 20, 2007 (Say Anything delivered by Newstex) -- Sounds like a marketing gimmick to me.

YORK - To some, it's a hurtful racial epithet. For Nas, it's an album title. The rapper told MTV News that he would indeed be naming his new album after the N-word. And he denied earlier reports that the album's title would be spelled "N---a," considered in some circles a less inflammatory epithet. He said the disc is due out Dec. 11. "(People) shouldn't trip off the (album's) title; the songs are crazier than the title," he said in an interview posted on MTV's Web site. But some have been outraged by the rapper's choice. "The title using the 'N' word is morally offensive and socially distasteful. Nas has the right to degrade and denigrate in the name of free speech, but there is no honor in it," the Rev. Jesse Jackson said in a news release. "Radio and television stations have no obligation to play it and self-respecting people have no obligation to buy it. I wish he would use his talents to lift up and inspire, not degrade." I've never heard of this guy before, but then I'm not a big fan of hip-hop. But that's probably the point. Now I do know who he is thanks to the controversy he's stirred up with this album title. Pretty much everyone is going to fall for this too. They'll have a reaction to the title, and they'll either boycott or protest the

boycotters (depending in their perspective) and this Nas guy will sit back and rake in the dough. Personally, I couldn't care less what he titles his album. I don't find it any more or less offensive than songs about killing police officers or beating women. On a related note, though, it is interesting just how taboo the word "nigger" is. The media won't print it. News anchors won't utter it, but other racial epithets like "kike" or "spic," while obviously frowned upon, don't carry the same level of stigma. I've always wondered why that is.

"Kike" seems to be every as offensive a racial epithet as "nigger," but the media certainly

Jewish slur.

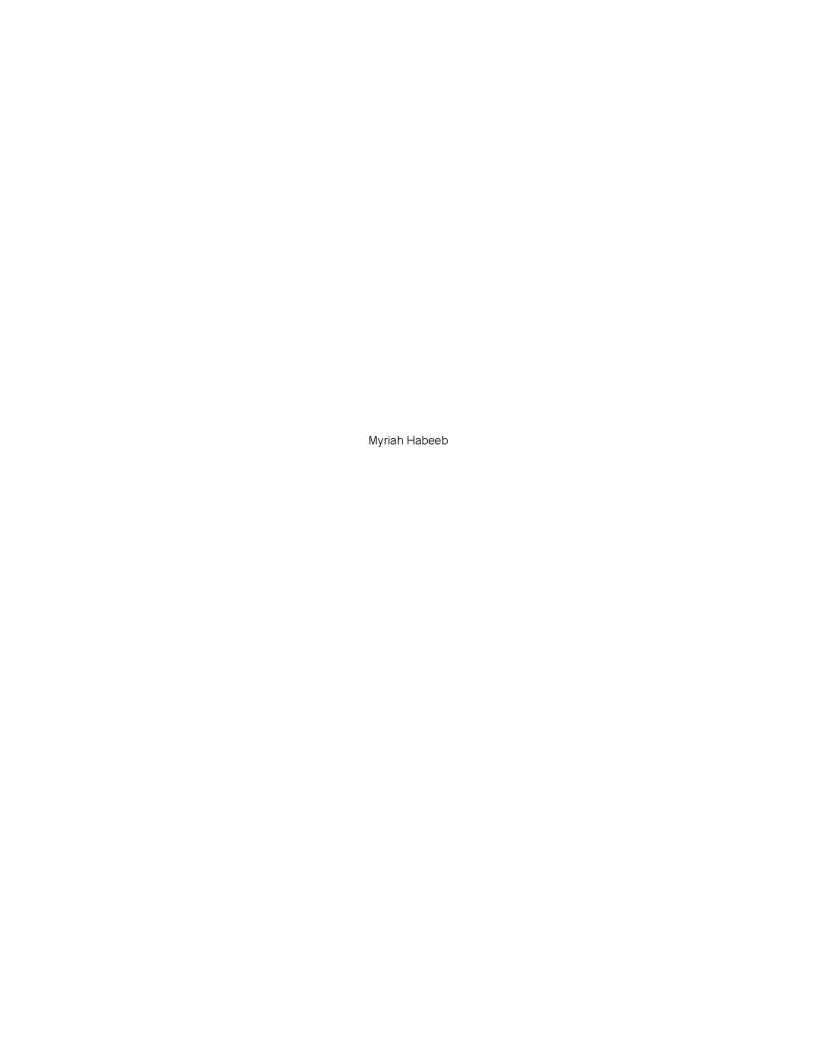
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